

## Higashi Goes Back To "Honolulu Jail"

SUPREME COURT UNANIMOUSLY TURNS DOWN HIS PETITION FOR A WRIT OF HABEAS CORPUS, THUS SETTling A QUESTION OF GREAT IMPORTANCE IN CRIMINAL WORK—THE MATTER OF THE DISQUALIFICATION OF FREAR.

The Supreme Court decided the Higashi habeas corpus case this morning. A unanimous opinion, written by Justice Hartwell, reverses the circuit court and remands the prisoner to custody. It sustains the acts by which the last legislature got rid of the "infamous punishment" difficulty and avoided the necessity, as was supposed, of having all petty offenders indicted. The courts are now free to go ahead with a lot of misdemeanor trials which were held up until it was determined whether indictments were required in such cases, and the Grand Jury is saved a lot of work.

Higashi was under sentence in "Honolulu jail," and a petition for a writ habeas corpus was secured for him by Judge Gear, on the ground that he was being confined among felon and practically subjected to infamous punishment without indictment. Judge De Bolt granted the writ and an appeal was taken by Deputy Attorney General Prosser for the Territory. The case is similar to that of Chun Hoon, brought by Humphreys and Gear, the Hagan case having been selected as a test case. The syllabus of the decision contains the following:

"Act 59 of the Laws of 1905, which provides that infamous punishment shall not be imposed on persons convicted of misdemeanors, repeals that portion of Sec. 3179, R. L. authorizing hard labor in the sentence of imprisonment but does not repeal that portion which authorizes imprisonment.

"A sentence to imprisonment for a misdemeanor does not become infamous punishment requiring an indictment under the fifth amendment by reason of the convicted person being confined in Honolulu jail.

"Under the sixth amendment a misdemeanor for which imprisonment may be imposed for as long a term as one year requires a trial by jury although it does not require an indictment as for an infamous offense; but the right to a trial by jury in the first instance is waived under Sec. 1664, R. L. by a defendant not demanding a jury when brought before a magistrate for trial but submitting to the jurisdiction of the magistrate. The act authorizing trial by the magistrate in a case like this, provided the defendant does not demand a jury, is constitutional."

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## HOW SHALL THE CARS BE RUN?

RAPID TRANSIT COMPANY'S PROPOSED CHANGE OF SCHEDULE CAUSING A LOT OF NEIGHBORHOOD DISCUSSION—COMPANY FAVORS ADOPTING FIFTEEN-MINUTE SERVICE FOR LILIIHA, BERETANIA AND KAIMUKI—NUMEROUS COUNTER PETITIONS.

Acting Governor Atkinson is receiving a lot of petitions and counter petitions on the subject of the Rapid Transit Company's proposed change of schedule. Present indications are that the fifteen-minute schedule for Liliha, Kaimuki and Beretania, will go through, but there are numerous rival interests trying to carry the day for other schedules. The residents affected by making Liliha street's line, now a ten-minute line, a fifteen-minute one, are kicking.

"I wish the various parties interested would get together and show what is the best policy to pursue," said Acting Governor Atkinson. "The re appears to be many ideas on the subject, and I have listened to numerous arguments."

### HOME COMFORTS.

The woman at home is entitled to some of the good things in life for her convenience pure and palatable. Rainier Beer is bottled.

Automobiles can be hired day or night at Club Stables, Fort Street.

### Heavy Losses

are continually being suffered at the hands of burglars by people who are ill-advised enough to keep their valuables in their houses. A box rented in our safe-deposit vault guarantees absolute safety for your deeds and documents. The price is only \$5 per year and up.



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And one well worth going several blocks to see, is Wall Nichols display of Easter Novelties, Ducks, Geese, Chickens, Rabbits as natural as in the Old Home Corn Yard.

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All kinds of island jams, jellies and pickles. Mrs. Kearns, 184 Hotel St.

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The pain of a burn or scald is almost instantly relieved by applying Chamberlain's Pain Balm with a feather. It also heals the injured parts more quickly than any other treatment and unless the burn is very severe does not leave a scar. For sale by all dealers. Benson, Smith & Co., agents for Hawaii.

### ATTENTION TYPEWRITERS!

Have just secured the agency for the best visible machine in the market—"The Underwood." A. B. Arleigh & Co.

### YOUR ATTENTION.

K. Yamamoto wholesale dealer in Japanese goods, will show you choice samples. Special attention given to plantation orders. Telephone Main 398. P. O. Box 410. Hotel street near Nuuanu.

### DOWN WITH THE BEER.

You may down as much of it as you like at the Criterion without results other than beneficial.

Largest stock of Easter Eggs in the city. New England Bakery.

## VESUVIUS VIOLENT

(Associated Press Cable to The Star.)

NAPLES, Italy, April 6.—Vesuvius is in violent eruption on the Pompeii side, and is sending forth a vast quantity of lava. The main stream of lava has divided and is threatening to flow over the Attajano commune of 20,000 inhabitants. The Torre del Greco where 20,000 more people reside, is also threatened by the lava flow.

## RUSSIA'S BIG LOAN

LONDON, April 6.—It is reported that the Russian loan of \$400,000,000 will be placed abroad, as negotiations looking to securing the loan have been successful.

### HOLDING OFF THE COAL STRIKE.

NEW YORK, April 6.—Pending the consideration by the anthracite coal operators of the recent offer made by the Pennsylvania coal workers to arbitrate their differences, there has been no move made on the part of the workers to strike.

### VON BUELOW BETTER.

BERLIN, April 6.—Chancellor Von Buelow, who fainted in the Reichstag yesterday, is improving.

### REFUSE TO EAT.

MOSCOW, Russia, April 6.—The political prisoners have refused to eat. They demand a trial or their release.

## SEARCH FOR WITNESSES FOR JOHNSON

DEFENSE PRODUCES ITS LETTER TO FRANK COPELAND ASKING HIM TO SEARCH FOR WITNESSES WHO MIGHT HAVE PROVIDED AN ALIBI FOR HIM—DR. HUBERT WOOD IS CALLED FOR THE DEFENSE.

A copy of the following letter, which was referred to this morning in the Johnson trial, in cross examination of Frank Copeland, a negro witness for the defense, was introduced in evidence this afternoon by Attorney Harrison for the defense in redirect examination of Copeland, to whom Harrison wrote the letter:

"The trial of the Johnson case is taking longer than was expected and the witnesses for the defense may not be required until next week.

"It has appeared by some of the evidence that a Chinaman knew something about where the boy Simeon's body was before it was found; and on

account of that, I should like to find if anyone saw Johnson on the morning the boy was killed between nine o'clock, when he was seen swinging Simeon Wharton behind Wharton's house, and 12 noon, when he came back to Wharton's place. Consequently if you can find any person who saw Johnson during that time (from 9 o'clock to noon of 3rd January 1906) and will prove that he was elsewhere than where the boy was killed, and let me have his name so that I can get his evidence in at the trial; although I am getting no pay for this case, I

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## Money Offered For Witnesses

NEGRO WITNESS FOR THE DEFENSE ADMITS BEING OFFERED COIN TO GET THEM.

The Johnson trial continued this morning with an utter failure by the defense to furnish any important testimony on the subject of the claimed insanity of the defendant. Several Portuguese witnesses were called, but it seemed that they might have been good witnesses for the prosecution. They had seen the defendant Johnson at various times, but had not noticed anything unusual about him. Frank Copeland, a negro, the last witness called, was excused at the noon recess just as cross examination was bringing out testimony that he had been offered money to get witnesses for the defense.

The first two Portuguese witnesses did not know anything except that they had not observed anything unusual about Johnson when they had seen him. The jury got considerable amusement from Manuel Coelho, who said he met Johnson going to work and returning and that Johnson always laughed when greeting him. Coelho appeared to be an intelligent witness enough but he sported a horizontal, circular shoebrush arrangement of whiskers and maintained a smile which seemed to impress the jury as he in-

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## Authorized The Fine New Steamship

INTER-ISLAND DIRECTORS AUTHORIZED PRESIDENT KENNEDY TO ORDER A NEW STEAMER.

The construction of the new steamer for the Hilo-Honolulu run was authorized this morning at a special meeting of the board of directors of the Inter-Island Steam Navigation Company. The meeting was of considerable length. Vice President Fredericks of the Union Iron Works of San Francisco was present and was consulted regarding the plans and various details of the new vessel. It was finally decided to authorize the steamer to be built. President and General Manager J. A. Kennedy of the company, was authorized to complete the final negotiations and details of the deal with Fredericks.

The contract will probably be signed this afternoon, as Fredericks is to depart tomorrow for San Francisco by the Monoglia.

The new vessel will be 251 1-2 feet over all, with 36 feet beam and depth of hold 19.6 feet. She will have passenger accommodations for 160 people and at a pinch will be able to accommodate more. She will be of about 1,500 tons displacement and her speed will be 15 knots. She will be a single screw boat.

Fire Job Printing, Star Office.

## MOSQUITO CAMPAIGN A SUCCESS

MINNOWS WHICH EAT THEIR LARVAE HAVE BREED BY THE THOUSANDS AND THERE IS NOW A PRACTICALLY UNLIMITED SUPPLY OF THEM—A NOTICEABLE SUCCESS IN REDUCTION OF THE LOCAL SUPPLY OF MOSQUITOES.

Over fifteen hundred of the top minnows brought here to eat mosquito larvae have been distributed in various ponds and there are ten thousand on hand for any persons who may have a chance to put them. The breeding of the fish here is now a completely assured success, and on all sides it is conceded that there has been a great reduction in the number of mosquitoes here since the fish came.

The last lot of fish sent out by Captain Paul Smith, who is looking after the anti-mosquito work of the Board of Health, was 600 for a Judd street pond. It has been found that the introduction of the fish in any body of water quickly reduces the number of mosquitoes in its vicinity.

Only about 400 of the fish were brought here originally. From this number enough have been secured to enable the Board to have ponds stocked with ten thousand or more for distribu-

tion now, and to have supplied the following applicants with fish:

Governor Carter, pond	18
Board of Health office	25
Govt. sewer pump station	6
Tolofson, Molokai Island	15
J. Kotinsky, entomologist	15
Bowman, Hilo	150
Waimanalo ponds	200
S. M. Damon	32
Cleghorn, for five ponds	600
Judd street ponds	600

In addition to the distribution of fish, the anti-mosquito department is filling 150 catch basins four times a month, so that mosquitoes cannot breed in them. Last month it collected 23 wagon loads of empty tin cans in which the pests might have bred. The effect of the campaign is apparent in most parts of Honolulu.

The mosquito evil, in the form of an almost intolerable pest, as it was some years ago, is believed to be a thing of the past.

## WILL ASK FOR MERCY

THE FIVE KOREANS CONDEMNED TO BE HANGED FIND A FRIEND AND SPOKESMAN IN THE REV. J. W. WADMAN—ACTING GOVERNOR ATKINSON WILL GIVE A HEARING BEFORE SIGNING THE DEATH WARRANTS.

The Rev. J. W. Wadman, accompanied by the acting Japanese consul called on Acting Governor Atkinson this morning to arrange for a hearing in the interests of the five Koreans who are in Oahu jail under sentence of death. The Japanese consul here is also representative of the Korean government, or what is left of it, and the Rev. Wadman is very closely identified with religious work among the Japanese and Koreans throughout the islands.

The acting governor agreed to have a meeting with the Rev. Wadman and discuss the matter. The consul did not make any suggestions in the matter. The papers in the case have not been received here yet and there has been little investigation beyond that which took place in Hilo, resulting in a verdict condemning the five men to be

hanged. As soon as the records are received, Atkinson will take up a study of them. The prisoners, under the law will be subject to execution next week, or later, if the executive signs death warrants, on a date to be named by him.

Acting Governor Atkinson has written Carl Smith, who represented the defendants, by appointment, asking if he has any statement to make concerning the matter. As far as the facts are known here they show a murder of incredible atrocity, the victim being tortured for hours by the men now under sentence. The Rev. Wadman has taken the matter up, however, as one interested in the Koreans, and he will discuss the matter with the governor. Deputy Attorney General Milvorton, who prosecuted the case, will also be called upon for a statement.

### BOY RUN OVER.

To Wall Nichols and get me a box of their new Typewriter paper for \$1.00.

### KNIT UNDERWEAR SALE.

Sachs is closing out his present stock of Ladies' Knit Vests and Suits at almost half price in order to make room for new stock. As room must be obtained for the new goods, prices have not been considered in marking down. See the show window.

### Classified Advertising

#### Found

At the corner of Punchbowl and Beretania streets, April 5, a large package of ladies' laundry, marked M. M. C. Owner can have same by calling at this office and paying expenses.

#### Wanted

Boy with bicycle to carry papers. Apply Star office.

### A MATTER OF HEALTH

**ROYAL**



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Absolutely Pure  
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### RESUMED PRACTICE.

George D. Gear has opened law offices in the rooms formerly occupied by Justice Hatch on Kaahumanu street. Telephone Main 214.

### MUSIC.

The Charles Guitars and Mandolin Studio has been removed to the residence, 762 Lunaliho street. Instruments given to pupils without extra charge.

Columbia Graphophone free. See page 7.



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